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An Act To Amend the Retirement Laws Pertaining to Certain Educational Technicians

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, a regulatory change in certification requirements for educational technicians has made some educational technicians for the first time mandatory members of the State Employee and Teacher Retirement Program; and

Whereas, the affected positions had been covered by the United States Social Security Act or other retirement programs; and

Whereas, it was not the intent of the Legislature or the State Board of Education to change retirement benefit coverage for the affected positions; and

Whereas, correcting this unintended consequence immediately is necessary to prevent harm to employees in these positions who would benefit from continuing to be covered by the United States Social Security Act or other retirement programs; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §17001, sub-§42, ¶A, as amended by PL 2019, c. 460, §1, is further amended to read:

A. Any employee of a public school or a school management and leadership center established pursuant to Title 20-A, chapter 123 who fills any position that the Department of Education requires be filled by a person who holds the appropriate certification or license required for that position, other than an educational technician position for which certification is not required under Title 20-A, section 13019-H, and:

- (1) Holds appropriate certification from the Department of Education, including an employee whose duties include, in addition to those for which certification is required, either the setup, maintenance or upgrading of a school computer system the use of which is to assist in the introduction of new learning to students or providing school faculty orientation and training related to use of the computer system for educational purposes; or
- (2) Holds an appropriate license issued to a professional employee by a licensing agency of the State;

Sec. 2. Retroactivity. This Act applies retroactively to July 1, 2018.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill provides an exception to mandatory membership in the State Employee and Teacher Retirement Program for employees filling certain educational technician positions who do not introduce new learning plans and supervise small groups of students in community-based programs and are therefore not required by statute to be certified.